IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

Second appeal No.1334 of 2005
with
Civil Application No. 1767 of 2005

Vithal Yeshwant Patil
deceassed by heirs;
1. Yeshwant Vithal Patil
and others ..Appellants

vs.

1. Dattu Yeshwant Jadhav
and others ..Respondents

Shri A.Y.Sakhare, Sr.Counsel i/b Shri K.S.Patil for appellants.
Shri Madhav Jamdar for respondents.

CORAM: S.C.DHARMADHIKARI J.
25th **July, 2007**

P.C.

1. Shri Jamdar says that second no.1334 of 2004 is identical in as much as the second appeal challenges the judgment and decree in favour of Dattu Yeshwant Jadhav decreeing his suit for injunction restraining the heirs of Vithal from disturbing his lawful possession. This is not disputed by Shri Sakhare appearing for the appellants. For the reasons stated in the order in second appeal no.1302 of 2005 this second appeal is also summarily dismissed since it is devoid of any merits.

2. In view of dismissal of the second appeal civil application does not survive and it is accordingly disposed of.

(S.C.DHARMADHIKARI J.)